

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIMBLY ARNOLD and RONALD
DUNHAM, II,

Plaintiffs,

v.

LION'S CLUB INTERNATIONAL
ASSOCIATION, et al.,

Defendants.

No. 2:24-cv-2095 DAD AC PS

FINDINGS AND RECOMMENDATIONS


Plaintiffs are proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On October 18, 2024, the court granted plaintiff Arnold's in forma pauperis ("IFP") application but rejected the complaint pursuant to the IFP screening process, granting plaintiffs 30 days to file an amended complaint. ECF No. 5. Plaintiffs were cautioned that failure to do so could lead to a recommendation that the action be dismissed. Plaintiffs did not file an amended complaint within the time limit. On January 24, 2025, the court issued an order to show cause within 14 days why this case should not be dismissed for failure to prosecute. ECF No. 4. Plaintiffs' mail was returned to the court, and plaintiffs did not respond. On February 11, 2025, plaintiffs filed a notice of change of address. ECF No. 5. Out of an abundance of caution, on February 13, 2025, the court directed the order to show cause to be served to the new address and waited an

1 additional 14 days for plaintiffs to respond. ECF No. 6. Plaintiffs still did not respond or take
2 any other action in this case.

3 In recommending this action be dismissed for failure to prosecute, the court has
4 considered “(1) the public's interest in expeditious resolution of litigation; (2) the court's need to
5 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
6 disposition of cases on their merits; and (5) the availability of less drastic alternatives.” Ferdik v.
7 Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot
8 move forward without plaintiffs’ participation, the court finds the factors weigh in favor of
9 dismissal.

10 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without
11 prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R.
12 Civ. P. 41(b); Local Rule 110. These findings and recommendations are submitted to the United
13 States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).
14 Within twenty-one (21) days after being served with these findings and recommendations,
15 plaintiff may file written objections with the court. Such document should be captioned
16 “Objections to Magistrate Judge’s Findings and Recommendations.” Local Rule 304(d).
17 Plaintiff is advised that failure to file objections within the specified time may waive the right to
18 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

19 DATED: March 5, 2025

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21 ALLISON CLAIRE
22 UNITED STATES MAGISTRATE JUDGE
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